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— ANY QUESTIONS? —

Press Release

10 December 2007
Legal Adviser Bellinger
Discusses International Law
Issues Related to Detentions in
War on Terrorism

Quick reference assistance available from the Information Resource Center between 10.00 a.m. and 12 noon, Monday to Friday, on 020-7894-0925.

Further research services are provided to U.K. media, government departments and academics.

In remarks in Oxford on December 10, U.S. State Department Legal Adviser John Bellinger argued that the Geneva Conventions and other international law rules at present provide insufficient guidance on detaining prisoners in conflicts involving transnational terrorist groups. Bellinger reiterated the U.S. Government's firm commitment to the Geneva Conventions, but noted that "the Geneva Conventions were designed for traditional armed conflicts between states and their uniformed military forces, and do not provide all the answers for detention of persons in conflicts between a state and a transnational terrorist group."

The address considered four legal questions related to detention of prisoners in such a conflict: whom may a state detain; what processes must a state provide to determine whether individuals can be detained; when are hostilities deemed "over"; and what legal obligations do states have in connection with repatriating detainees.

Bellinger noted that, while it is

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widely agreed that these questions should be answered in accordance with the law, "It is much harder to say what the law exactly is, and how it should be applied in this context." He encouraged states "to work towards a common approach in dealing with these issues." The prepared text of Bellinger's remarks can be found here.

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